

JOSEPH P. RUSSONIELLO (CSBN 44332)
United States Attorney

BRIAN J. STRETCH (CSBN 163973)
Chief, Criminal Division

ANDREW P. CAPUTO (CSBN 203655)
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7004
FAX: (415) 436-7234
Email: andrew.caputo@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|---|
| UNITED STATES OF AMERICA, |) | No. CR 08-0131 PJH |
| |) | |
| Plaintiff, |) | STIPULATION AND [PROPOSED] |
| |) | ORDER EXCLUDING TIME FROM |
| v. |) | SPEEDY TRIAL ACT CALCULATION |
| |) | (18 U.S.C. § 3161(h)(8)(A)) |
| DEMETRIUS SMITH, |) | |
| |) | |
| Defendant. |) | |
| |) | |

With the agreement of the parties, and with the consent of defendant Demetrius Smith, the Court enters this order documenting defendant's exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), from March 26, 2008, to April 16, 2008. The parties agree, and the Court finds and holds, as follows:

1. Defendant agreed to an exclusion of time under the Speedy Trial Act. Failure to grant the requested continuance would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, in this case. Defendant requested this time exclusion in order to allow time for his attorney to prepare the motion he plans to file on April 16.

STIPULATION AND [PROPOSED] ORDER EXCLUDING TIME
CR 08-0131 PJH

2. Given these circumstances, the Court found that the ends of justice served by excluding the period from March 26, 2008, to April 16, 2008, outweigh the best interest of the public and the defendant in a speedy trial. Id. at § 3161(h)(8)(A).

3. Accordingly, and with the consent of the defendant, at the hearing on March 26, 2008, the Court ordered that the period from March 26, 2008, to April 16, 2008, be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: March 28, 2008

/s/
MICHAEL THORMAN
Attorney for Defendant

DATED: March 27, 2008

/s/
ANDREW P. CAPUTO
Assistant United States Attorney

IT IS SO ORDERED.

DATED: 4/14/08

PHYLLIS J. HAMILTON
United States District Judge

